

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DERRELL K. JORDAN,

Plaintiff,

vs.

APTIM GOVERNMENT SOLUTIONS,
LLC,

Defendant.

8:23CV133

ORDER

This matter is before the court on Plaintiff's Motion to Vacate and/or Alter or Amend the October 24, 2023 Order ([Filing No. 21](#)), and for Leave to File and Amended Complaint. ([Filing No. 24](#)). Plaintiff has also filed an unopposed motion to extend the time for filing a brief and amended complaint in support of Plaintiff's motion. ([Filing No. 25](#)).

Plaintiff requests relief under Fed. R. Civ. P. 60(b) and/or 59(e), allowing Plaintiff to file an amended complaint. Plaintiff did not attach "an unsigned copy of the proposed amended pleading that clearly identifies the proposed amendments" and did not file a supporting brief. See NECivR 15.1(a); NECivR 7.1(a)(1)(A).

Plaintiff requests [Filing No. 21](#) "be amended to provide that the dismissal of the Complaint was without prejudice and that Plaintiff's Amended Complaint be substituted for the origin Complaint herein." ([Filing No. 24](#)). Judge Buescher's order on Defendant Omaha Public Power District's motion to dismiss did not state that the claims were dismissed with prejudice. So, there is no need to amend the order to include a statement that the dismissal was without prejudice.

Accordingly,

IT IS ORDERED:

- 1) Plaintiff's Motion to Vacate and/or Alter or Amend and Motion for Leave to File an Amended Complaint is denied. ([Filing No. 24](#)).
- 2) Any motion for leave to file an Amended Complaint must be filed on or before November 9, 2023, and it must fully comply with the Federal Rules of Civil Procedure and the Local Rules of this court.
- 3) Plaintiff's unopposed motion to extend time for filing a brief and the amended complaint is denied as moot. ([Filing No. 25](#)).

Dated this 2nd day of November, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge